

1 Aida Poulsen (SBN: 333117)  
2 [ap@poulsenlaw.org](mailto:ap@poulsenlaw.org)  
3 Peter T. Sato (SBN: 238486)  
4 [ps@poulsenlaw.org](mailto:ps@poulsenlaw.org)  
5 POULSEN LAW P.C.  
6 282 11<sup>th</sup> Avenue, Suite 2612  
7 New York, New York 10001  
8 Tel: +1 (646) 776 5999  
9 Tel: +1 (626) 888 1906 Direct

10 Attorneys for Plaintiff  
11 The Chemical Toxin Working Group Inc. doing  
12 business as Healthy Living Foundation Inc.

Andre A. Khansari (SBN 223528)  
[andre@khansarilaw.com](mailto:andre@khansarilaw.com)  
KHANSARI LAW CORP., APC  
16133 Ventura Blvd., Suite 1200  
Encino, California 91436  
Telephone: (818) 650-6444  
Facsimile: (818) 650-6445

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Alameda  
**01/21/2022 at 11:15:21 PM**  
By: Xian-xii Bowie, Deputy Clerk

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF ALAMEDA**

15 THE CHEMICAL TOXIN WORKING  
16 GROUP INC., a California non-profit  
17 corporation, doing business as HEALTHY  
18 LIVING FOUNDATION INC.,

19 Plaintiff,

20 vs.

21 GENERAL MILLS, INC., a Delaware  
22 corporation;  
23 GENERAL MILLS SALES, INC., a  
24 Delaware corporation;  
25 GENERAL MILLS OPERATIONS, LLC,  
a Delaware limited liability company;  
SMART & FINAL STORES LLC, a  
California limited liability company;  
SMART & FINAL LLC, a Delaware  
limited liability company;  
GARDETTO'S BAKERY, INC., a  
Wisconsin corporation;  
ALBERTSONS COMPANIES, INC., a  
Delaware corporation;  
SAFEWAY, INC. a Delaware corporation;

CASE NO. **22CV005948**

**COMPLAINT FOR INJUNCTIVE  
RELIEF, CIVIL PENALTIES, AND  
OTHER RELIEF UNDER HEALTH  
AND SAFETY CODE SECTION  
25249.5, et seq. (PROPOSITION 65)**

UNLIMITED CIVIL  
(Demand exceeds \$25,000)

1 THE VONS COMPANIES, INC., a  
2 Michigan corporation;  
3 VONS SHERMAN OAKS, LLC, a  
4 California limited liability company; and  
5 DOES 1-60,

Defendants.

6 Plaintiff The Chemical Toxin Working Group Inc. doing business as Healthy  
7 Living Foundation Inc. (“Plaintiff” or “HLF”) hereby alleges the following on  
8 information and belief:

9 **I.**

10 **INTRODUCTION**

11 1. This action seeks injunctive and declaratory relief and civil penalties to  
12 remedy the continuing failure of the Defendants to warn consumers in California that  
13 they are being exposed to Acrylamide, a chemical known to the State of California to  
14 cause cancer and reproductive toxicity found in:

- 15 a. Ghost Pepper\_Hot & Spice\_Chex\_Mix\_Snack\_Mix (“Ghost Pepper Mix”);  
16 b. Hot & Spicy\_Spicy\_Chex\_Mix\_Snack\_Mix (“Hot & Spicy Mix”);  
17 c. Honey Nut\_Naturally & Artificially Flavored\_Sweet &  
18 Salty\_Chex\_Mix\_Snack\_Mix also known as Chex Mix Sweet & Salty  
19 Honey Nut Snack Mix (“Honey Nut Mix”);  
20 d. Cheddar\_Savory\_Chex\_Mix\_Snack\_Mix also known as Chex Mix Savory  
21 Cheddar Snack Mix (“Cheddar Mix”);  
22 e. Bold\_Party Blend\_Savory\_Chex\_Mix\_Snack\_Mix, also known as Chex  
23 Mix Savory Bold Party Blend Snack Mix (“Bold Mix”);  
24

1 f. Traditional\_Savory\_Chex\_Mix\_Snack\_Mix also known as Chex Mix  
2 Traditional Savory Snack Mix (“Traditional Mix”);

3 2. The Ghost Pepper Mix, Hot & Spicy Mix, Honey Nut Mix, Cheddar Mix, Bold  
4 Mix, and Traditional Mix are together referred to as the “Products”.

5 3. This action is brought in the public interest and is based on The Safe Drinking  
6 Water and Toxic Enforcement Act of 1986 (Health and Safety Code (“HSC”) § 25249.6  
7 et seq.) also known as “Proposition 65.” This statute mandates that any person in the  
8 course of doing business must provide a clear and reasonable warning prior to exposing  
9 any individual to a chemical known to the state to cause cancer, birth defects or other  
10 reproductive harm.  
11

## 12 II.

### 13 PARTIES

14 4. HLF is a non-profit consumer health organization that: implements  
15 measures to reduce the amount of chemical toxins in foods posing targeted dangers to  
16 fetuses, children, pregnant women and women of childbearing age; improves safety for  
17 workers by reducing their exposure to chemicals; publishes consumer health periodicals,  
18 books, and comparative test results. HLF’s Chief Officer David W. Steinman is a  
19 publisher, a health journalist and a bestselling author of Diet For A Poisoned Planet  
20 (Crown Ed., 1990, Ballantine 2d Ed., 1992, Running Press 3d Ed., 2007); among his  
21 other books are: The Safe Shopper’s Bible (Macmillan Ed., 1995, Wiley 2d Ed., 2000),  
22 The Breast Cancer Prevention Program (Macmillan Ed., 1997). Mr. Steinman  
23 represented the public interest at the National Academy of Sciences on the Safe Seafood  
24 Committee that produced Seafood Safety (Washington, D.C.: National Academies Press,  
25

1 1991), advised Congress on related legislation, and has testified before Congress as an  
2 expert witness on food safety.

3 5. HLF is a person within the meaning of HSC section 25249.11, subdivision  
4 (a). HLF, acting as a private attorney general, brings this action in the public interest as  
5 defined under HSC section 25249.7, subdivision (d).

6 6. Defendant GENERAL MILLS, INC. is a Delaware corporation, doing  
7 business in the State of California at all relevant times herein.

8 7. Defendant GENERAL MILLS SALES, INC. is a Delaware corporation,  
9 doing business in the State of California at all relevant times herein.

10 8. Defendant GENERAL MILLS OPERATIONS, LLC is a Delaware limited  
11 liability company, doing business in the State of California at all relevant times herein.

12 9. Defendant SMART & FINAL STORES LLC is a California limited  
13 liability company, doing business in the State of California at all relevant times herein.

14 10. Defendant SMART & FINAL LLC is a Delaware limited liability  
15 company, doing business in the State of California at all relevant times herein.

16 11. Defendant GARDETTO'S BAKERY, INC. is a Wisconsin corporation,  
17 doing business in the State of California at all relevant times herein.

18 12. Defendant ALBERTSONS COMPANIES, INC. is a Delaware corporation,  
19 doing business in the State of California at all relevant times herein.

20 13. Defendant SAFEWAY, INC. is a Delaware corporation, doing business in  
21 the State of California at all relevant times herein.

22 14. Defendant THE VONS COMPANIES, INC. is a Michigan corporation,  
23 doing business in the State of California at all relevant times herein.

1 15. Defendant VONS SHERMAN OAKS, LLC is a California limited liability  
2 company, doing business in the State of California at all relevant times herein.

3 16. Plaintiff is presently unaware of the true names and capacities of defendants  
4 DOES 1-60, and therefore sues these defendants by such fictitious names. Plaintiff will  
5 amend this complaint to allege their true names and capacities when ascertained.

6 Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant  
7 is responsible in some manner for the occurrences herein alleged and the violations  
8 caused thereby. DOES 1-60 are each a person in the course of doing business within the  
9 meaning of HSC §§ 25249.6 and 25249.11.

10 17. At all times mentioned herein, the term “Defendants” includes Defendants  
11 GENERAL MILLS, INC.; GENERAL MILLS SALES, INC.; GENERAL MILLS  
12 OPERATIONS, LLC; SMART & FINAL STORES LLC; SMART & FINAL LLC;  
13 GARDETTO'S BAKERY, INC.; ALBERTSONS COMPANIES, INC.; SAFEWAY,  
14 INC.; THE VONS COMPANIES, INC.; VONS SHERMAN OAKS, LLC; and DOES 1-  
15 60.  
16

17 18. Each of the Defendants employ ten or more persons and have employed ten  
18 or more persons at all times relevant to this action, and are each a person in the course of  
19 doing business within the meaning of HSC §§ 25249.6 and 25249.11.  
20

### 21 III.

#### 22 JURISDICTION AND VENUE

23 19. This Court has jurisdiction pursuant to California Constitution Article VI,  
24 Section 10, which grants the Superior Court original jurisdiction in all causes except  
25 those given by statute to other trial courts. The statute under which this action is brought

1 does not specify any other basis for jurisdiction.

2 20. This Court has jurisdiction over this action pursuant to HSC section  
3 25249.7, which allows enforcement of violations of Proposition 65 in any Court of  
4 competent jurisdiction.

5 21. This Court has jurisdiction over Defendants because Defendants either  
6 reside or are located in this State or are foreign corporations authorized to do business in  
7 California, are registered with the California Secretary of State, or Defendants have  
8 sufficient minimum contacts with California, and otherwise intentionally avails itself of  
9 the California market through the marketing, distribution, and/or sale of Products in the  
10 State of California, so as to render the exercise of jurisdiction over Defendants by the  
11 California courts consistent with traditional notions of fair play and substantial justice.

12 22. Venue is proper in the Alameda Superior Court because the cause of action  
13 arises out of violations in the County of Alameda and/or because Defendants conducted,  
14 and continue to conduct, business in the County of Alameda with respect to the consumer  
15 products that are the subject of this action.

16 23. Plaintiffs seek injunctive and declaratory relief and civil penalties from  
17 Defendants' violations of the prohibitions of Proposition 65 (Health and Safety §  
18 §25249.5 *et seq.*)  
19

20  
21 **IV.**

22 **STATUTORY BACKGROUND**

23 24. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an  
24 initiative statute passed as "Proposition 65" by close to a two-to-one voting margin.  
25 Proposition 65 is referred to as a "right-to-know" law intended to inform consumers of

1 the potential for exposure to toxic chemicals and thereby empower them with the  
2 information needed to avoid the exposure.

3 25. Proposition 65 requires that individuals be provided with a “clear and  
4 reasonable warning” before being exposed to substances listed by the State of California  
5 as causing cancer or reproductive toxicity. The warning requirement of Proposition 65 is  
6 contained in HSC § 25249.6, which provides,

7  
8 No person in the course of doing business shall knowingly and  
9 intentionally expose any individual to a chemical known to the  
10 state to cause cancer or reproductive toxicity without first  
11 giving clear and reasonable warning to such individual....

12 26. In this case, the exposures are caused by consumer products. “Consumer  
13 product” means any article, or component part thereof, including food, that is produced,  
14 distributed, or sold for the personal use, consumption or enjoyment of a consumer. (27  
15 California Code of Regulations (“CCR”) § 25600.1(d)) “Consumer product exposure”  
16 means an exposure that results from a person's acquisition, purchase, storage,  
17 consumption, or any reasonably foreseeable use of a consumer product, including  
18 consumption of a food. (27 CCR § 25600.1(e)).

19 27. Proposition 65 requires the State to publish a list of chemicals known to  
20 cause cancer or birth defects or other reproductive harm (HSC §25249.8.) This list now  
21 comprises over 1,000 chemicals.

22 28. Proposition 65 establishes a procedure by which the State is to develop a  
23 list of chemicals “known to the State to cause cancer or reproductive toxicity.” (HSC §  
24 25249.8.)

25 29. Acrylamide was listed as a chemical known to the State of California to

1 cause cancer on January 1, 1990. Acrylamide became subject to the warning requirement  
2 one year later and was therefore subject to the “clear and reasonable” warning  
3 requirements of Proposition 65 beginning on January 1, 1991. (27 CCR § 25000, *et seq.*;  
4 HSC §25249.5, *et seq.*). Due to the carcinogenicity of Acrylamide, the no significant risk  
5 level is 0.2 micrograms per day. (27 CCR § 25705(c)(2).) As a point of reference, one  
6 microgram is equal to one millionth of a gram (1 microgram = 1/1,000,000 gram).

7  
8 30. Acrylamide was listed as a chemical known to the State of California to  
9 cause reproductive toxicity on February 25, 2011. Acrylamide became subject to the  
10 warning requirement one year later and was therefore subject to the “clear and  
11 reasonable” warning requirements of Proposition 65 beginning on February 25, 2012. (27  
12 CCR § 25000, *et seq.*; HSC § 25249.5, *et seq.*).

13 31. The results of testing undertaken by Plaintiff of the Products, show that the  
14 subject Products tested were in violation of the 0.20 g/day NSRL “safe harbor” daily  
15 limit for acrylamide set forth in Proposition 65’s regulations. As a result, each subject  
16 Product is required to have clear and reasonable warning under Proposition 65.

17 32. Proposition 65 provides that any “person who violates or threatens to  
18 violate” the statute “may be enjoined in a court of competent jurisdiction.” (HSC §  
19 25249.7). Violators are liable for civil penalties of up to \$2,500 per day for each  
20 violation. (HSC §25249.7(b)(1).)

21 33. Violations of Proposition 65 may be enforced by any person in the public  
22 interest, after providing a 60-day notice of the violations of the Attorney General,  
23 appropriate District Attorneys and City Attorneys and the alleged violator. (HSC §  
24 25249.7(d)(1).) Remedies include injunctive relief to prevent actual or threatened  
25



1 violations, and penalties up to \$2,500 per day, per violation. (HSC §25249.7(a) and (b).)

2 34. Proposition 65 may be enforced by any person who provides notice sixty  
3 (60) days before filing suit to both the violator and designated law enforcement officials.  
4 When the law enforcement officials do not file a timely Complaint, this enables a citizen  
5 suit to be filed pursuant to HSC section 25249.7, subdivisions (c) and (d).

6  
7 **V.**

8 **FACTUAL BACKGROUND**

9 35. Defendants are businesses that develop, manufacture, package, distribute,  
10 market, offer for sale and/or sell the Products in the State of California.

11 36. Plaintiff hired a well-respected and accredited testing laboratory to test  
12 Defendants' Products for Acrylamide that used the testing protocol used and approved by  
13 the California Attorney General. The results of testing undertaken by Plaintiff of the  
14 Products, show that the Products tested were in violation of the 0.20 g/day NSRL "safe  
15 harbor" daily limit for Acrylamide set forth in Proposition 65's regulations.

16 37. Individuals are exposed to the Acrylamide from the reasonable anticipated  
17 use of the Products or when they ingest the Products.

18 38. The Products continue to be offered for sale, sold and/or otherwise made  
19 available for use and/or handling to persons in California.

20 39. At all times relevant to this action, Defendants, therefore, have knowingly  
21 and intentionally exposed the users of the Products to Acrylamide without first giving a  
22 clear and reasonable warning to such individuals. The Products continue to be distributed  
23 and sold in California without providing the requisite warning, and thus the violations are  
24 ongoing and continuous and will continue to occur into the future.



1 GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC,  
2 GARDETTO'S BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY,  
3 INC., THE VONS COMPANIES, INC., and VONS SHERMAN OAKS, LLC and each  
4 appropriate public enforcement agency with a Proposition 65 Notice, a document entitled  
5 "Sixty-Day Notice of Intent to Sue for Violation of the Safe Drinking Water and Toxic  
6 Enforcement Act of 1986" ("June 28, 2021 Notice") that provided these defendants and  
7 the public enforcement agency with notice that these defendants were in violation of  
8 Proposition 65 for failing to warn purchasers and consumers of the Honey Nut Mix,  
9 Cheddar Mix, Bold Mix, and Traditional Mix that ingestion of these products exposes  
10 them to Acrylamide, a chemical known to the State of California to cause cancer and  
11 reproductive toxicity. The June 28, 2021 Notice is designated with Attorney General  
12 number 2021-01527. The June 28, 2021 Notice constitutes adequate notice to these  
13 defendants because it provided adequate information to allow these defendants to assess  
14 the nature of the alleged violations. A certificate of merit and a certificate of service  
15 accompanied the June 28, 2021 Notice, and both certificates comply with Proposition 65  
16 and its implementing regulations. A true and correct copy of the June 28, 2021 Notice is  
17 attached here as Exhibit B and is incorporated herein by reference.  
18

19 43. The October 7, 2020 Notice and June 28, 2021 Notice are together referred  
20 to as the "Notices."  
21

22 44. More than sixty (60) days have passed since Plaintiff served the Notices  
23 and no public enforcement entity has filed a Complaint in this case.

24 45. Plaintiff is commencing this action more than sixty (60) days from the date  
25 that Plaintiff served the Notices on the Defendants and the public prosecutors referenced

1 in the paragraphs above.

2 46. Plaintiff is informed, believes, and thereon alleges that neither the Attorney  
3 General, nor any applicable district attorney or city attorney has commenced an action or  
4 is diligently prosecuting an action against either of the Defendants.

5 47. Plaintiff and defendants GENERAL MILLS SALES, INC. and GENERAL  
6 MILLS, INC. entered into several statutes of limitations tolling agreements to allow the  
7 parties time to discuss resolution of the alleged violations referenced in the October 7,  
8 2020 Notice. The final Statutes of Limitations Tolling Agreement was fully executed as  
9 of December 16, 2021 (the “First Tolling Agreement”). Pursuant to Section 2 of the First  
10 Tolling Agreement, Plaintiff and GENERAL MILLS SALES, INC. and GENERAL  
11 MILLS, INC. agreed to toll:

13 “each and every: (a) time limit, statute of limitation and/or statute of repose  
14 (of any kind or nature, including all statutes of limitations specified within  
15 the Prop 65 statute), (b) deadline and/or defense based in whole or in part  
16 upon the passage of time from certain events, and (c) contractual provision  
17 or deadline, if any, requiring the Parties to institute or assert any claim,  
18 right, objection, action, arbitration, administrative proceeding or legal  
19 proceeding, or take any step therein, within a specific period of time” . . .

20 during the “Tolling Periods” (as defined in Section 3 of the Tolling Agreement). The  
21 Tolling Periods were defined as (i) commencing on December 18, 2020 and ending  
22 January 21, 2022 with respect to the October 7, 2020 Notice.

24 48. Plaintiff and defendants, SMART & FINAL STORES, LLC and SMART  
25 & FINAL, LLC entered into several statutes of limitations tolling agreements to allow the

1 parties time to discuss resolution of the alleged violations referenced in the October 7,  
2 2020 Notice. The final Statutes of Limitations Tolling Agreement was fully executed as  
3 of December 16, 2021 (the “Second Tolling Agreement”). Pursuant to Section 2 of the  
4 Second Tolling Agreement, Plaintiff and SMART & FINAL STORES, LLC and SMART  
5 & FINAL, LLC agreed to toll:

6 “each and every: (a) time limit, statute of limitation and/or statute of repose  
7 (of any kind or nature, including all statutes of limitations specified within  
8 the Prop 65 statute), (b) deadline and/or defense based in whole or in part  
9 upon the passage of time from certain events, and (c) contractual provision  
10 or deadline, if any, requiring the Parties to institute or assert any claim,  
11 right, objection, action, arbitration, administrative proceeding or legal  
12 proceeding, or take any step therein, within a specific period of time” . . .

13 during the “Tolling Periods” (as defined in Section 3 of the Tolling Agreement). The  
14 Tolling Periods were defined as (i) commencing on February 19, 2021 and ending  
15 January 21, 2022 with respect to the October 7, 2020 Notice.

16  
17 49. Plaintiff and defendants, GENERAL MILLS, INC., GENERAL MILLS  
18 SALES, INC., GENERAL MILLS OPERATIONS, LLC, and GARDETTO’S BAKERY,  
19 INC. entered into several statutes of limitations tolling agreements to allow the parties  
20 time to discuss resolution of the alleged violations referenced in the June 28, 2021  
21 Notice. The final Statutes of Limitations Tolling Agreement was fully executed as of  
22 December 16, 2021 (the “Third Tolling Agreement”). Pursuant to Section 2 of the Third  
23 Tolling Agreement, Plaintiff and GENERAL MILLS, INC., GENERAL MILLS SALES,  
24 INC., GENERAL MILLS OPERATIONS, LLC, and GARDETTO’S BAKERY, INC.  
25

1 agreed to toll:

2 “each and every: (a) time limit, statute of limitation and/or statute of repose  
3 (of any kind or nature, including all statutes of limitations specified within  
4 the Prop 65 statute), (b) deadline and/or defense based in whole or in part  
5 upon the passage of time from certain events, and (c) contractual provision  
6 or deadline, if any, requiring the Parties to institute or assert any claim,  
7 right, objection, action, arbitration, administrative proceeding or legal  
8 proceeding, or take any step therein, within a specific period of time” . . .  
9

10 during the “Tolling Periods” (as defined in Section 3 of the Tolling Agreement). The  
11 Tolling Periods were defined as (i) commencing on November 8, 2021 and ending  
12 January 21, 2022 with respect to the June 28, 2021 Notice.

13 **FIRST CAUSE OF ACTION**

14 **Ghost Pepper Mix**

15 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning**  
16 **under Proposition 65 – Against GENERAL MILLS, INC., GENERAL MILLS**  
17 **SALES, INC., GENERAL MILLS OPERATIONS, LLC, and DOES 1-10**

18 50. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 49,  
19 inclusive, as if superficially set forth herein.

20 51. By committing the acts alleged above, GENERAL MILLS, INC.,  
21 GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, and DOES  
22 1-10 have, in the course of doing business, knowingly and intentionally exposed users of  
23 the Ghost Pepper Mix to Acrylamide, a chemical known to the State of California to  
24 cause cancer and reproductive toxicity without first giving clear and reasonable warning  
25 to such individuals within the meaning of HSC § 25249.6, and continue to violate the

1 statute as the Ghost Pepper Mix continues to make its way to individuals in California  
2 through the chain of commerce.

3 52. Said violations render Defendants GENERAL MILLS, INC., GENERAL  
4 MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, and DOES 1-10 liable  
5 for civil penalties, up to \$2,500 per day for each violation, and subject these Defendants  
6 to injunction.

7 **SECOND CAUSE OF ACTION**

8 **Hot & Spicy Mix**

9 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning**  
10 **under Proposition 65 – Against all GENERAL MILLS, INC., GENERAL MILLS**  
11 **SALES, INC., GENERAL MILLS OPERATIONS, LLC, and DOES 11-20**

12 53. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 52,  
13 inclusive, as if superficially set forth herein.

14 54. By committing the acts alleged above, GENERAL MILLS, INC.,  
15 GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, and DOES  
16 11-20 have, in the course of doing business, knowingly and intentionally exposed users  
17 of the Hot & Spice Mix to Acrylamide, a chemical known to the State of California to  
18 cause cancer and reproductive toxicity without first giving clear and reasonable warning  
19 to such individuals within the meaning of Health & Safety Code § 25249.6 and continue  
20 to violate the statute as the Hot & Spice Mix continues to make its way to individuals in  
21 California through the chain of commerce.

22 55. Said violations render Defendants GENERAL MILLS, INC., GENERAL  
23 MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, and DOES 11-20 liable  
24 for civil penalties, up to \$2,500 per day for each violation, and subject these Defendants  
25

1 to injunction.

2 **THIRD CAUSE OF ACTION**

3 **Honey Nut Mix**

4 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning**  
5 **under Proposition 65 – Against all GENERAL MILLS, INC., GENERAL MILLS**  
6 **SALES, INC., GENERAL MILLS OPERATIONS, LLC, GARDETTO'S**  
7 **BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE**  
8 **VONS COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 21-30**

9 56. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 55,  
10 inclusive, as if superficially set forth herein.

11 57. By committing the acts alleged above, GENERAL MILLS, INC.,  
12 GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC,  
13 GARDETTO'S BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY,  
14 INC., THE VONS COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES  
15 21-30 have, in the course of doing business, knowingly and intentionally exposed users  
16 of the Honey Nut Mix to Acrylamide, a chemical known to the State of California to  
17 cause cancer and reproductive toxicity without first giving clear and reasonable warning  
18 to such individuals within the meaning of Health & Safety Code § 25249.6 and continue  
19 to violate the statute as the Honey Nut Mix continues to make its way to individuals in  
20 California through the chain of commerce.

21 58. Said violations render Defendants GENERAL MILLS, INC., GENERAL  
22 MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, GARDETTO'S  
23 BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS  
24 COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 21-30 liable for civil



1 penalties, up to \$2,500 per day for each violation, and subject these Defendants to  
2 injunction.

3 **FOURTH CAUSE OF ACTION**

4 **Cheddar Mix**

5 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning**  
6 **under Proposition 65 – Against all GENERAL MILLS, INC., GENERAL MILLS**  
7 **SALES, INC., GENERAL MILLS OPERATIONS, LLC, GARDETTO'S**  
8 **BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE**  
9 **VONS COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 31-40**

9 59. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 58,  
10 inclusive, as if superficially set forth herein.

11 60. By committing the acts alleged above, defendants GENERAL MILLS,  
12 INC., GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC,  
13 GARDETTO'S BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY,  
14 INC., THE VONS COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES  
15 31-40 have, in the course of doing business, knowingly and intentionally exposed users  
16 of the Cheddar Mix to Acrylamide, a chemical known to the State of California to cause  
17 cancer and reproductive toxicity without first giving clear and reasonable warning to such  
18 individuals within the meaning of Health & Safety Code § 25249.6 and continue to  
19 violate the statute as the Cheddar Mix continues to make its way to individuals in  
20 California through the chain of commerce.

22 61. Said violations render defendants GENERAL MILLS, INC., GENERAL  
23 MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, GARDETTO'S  
24 BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS

1 COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 31-40 liable for civil  
2 penalties, up to \$2,500 per day for each violation, and subject these Defendants to  
3 injunction.

4 **FIFTH CAUSE OF ACTION**

5 **Bold Mix**

6 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning**  
7 **under Proposition 65 – Against all GENERAL MILLS, INC., GENERAL MILLS**  
8 **SALES, INC., GENERAL MILLS OPERATIONS, LLC, SMART & FINAL**  
9 **STORES LLC; SMART & FINAL LLC; GARDETTO'S BAKERY, INC.,**  
10 **ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS**  
11 **COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 41-50**

12 62. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 61,  
13 inclusive, as if superficially set forth herein.

14 63. By committing the acts alleged above, defendants GENERAL MILLS,  
15 INC., GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC,  
16 SMART & FINAL STORES LLC; SMART & FINAL LLC; GARDETTO'S BAKERY,  
17 INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS  
18 COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 41-50 have, in the  
19 course of doing business, knowingly and intentionally exposed users of the Bold Mix to  
20 Acrylamide, a chemical known to the State of California to cause cancer and reproductive  
21 toxicity without first giving clear and reasonable warning to such individuals within the  
22 meaning of HSC § 25249.6 and continue to violate the statute as the Bold Mix continues  
23 to make its way to individuals in California through the chain of commerce.

24 64. Said violations render defendants GENERAL MILLS, INC., GENERAL  
25 MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, SMART & FINAL

1 STORES LLC; SMART & FINAL LLC; GARDETTO'S BAKERY, INC.,  
2 ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS COMPANIES,  
3 INC., VONS SHERMAN OAKS, LLC, and DOES 41-50 liable for civil penalties, up to  
4 \$2,500 per day for each violation, and subject these Defendants to injunction.

5 **SIXTH CAUSE OF ACTION**

6 **Traditional Mix**

7 **Violation of HSC § 25249.6, Failure to Provide Clear and Reasonable Warning**  
8 **under Proposition 65 – Against all GENERAL MILLS, INC., GENERAL MILLS**  
9 **SALES, INC., GENERAL MILLS OPERATIONS, LLC, SMART & FINAL**  
10 **STORES LLC; SMART & FINAL LLC; GARDETTO'S BAKERY, INC.,**  
11 **ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS**  
12 **COMPANIES, INC., and VONS SHERMAN OAKS, LLC, and DOES 51-60**

13 65. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 64,  
14 inclusive, as if superficially set forth herein.

15 66. By committing the acts alleged above, defendants GENERAL MILLS,  
16 INC., GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC,  
17 SMART & FINAL STORES LLC; SMART & FINAL LLC; GARDETTO'S BAKERY,  
18 INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS  
19 COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 51-60 have, in the  
20 course of doing business, knowingly and intentionally exposed users of the Traditional  
21 Mix to Acrylamide, a chemical known to the State of California to cause cancer and  
22 reproductive toxicity without first giving clear and reasonable warning to such  
23 individuals within the meaning of Health & Safety Code § 25249.6 and continue to  
24 violate the statute as the Traditional Mix continues to make its way to individuals in  
25 California through the chain of commerce.

67. Said violations render defendants GENERAL MILLS, INC., GENERAL MILLS SALES, INC., GENERAL MILLS OPERATIONS, LLC, SMART & FINAL STORES LLC; SMART & FINAL LLC; GARDETTO'S BAKERY, INC., ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS COMPANIES, INC., VONS SHERMAN OAKS, LLC, and DOES 51-60 liable for civil penalties, up to \$2,500 per day for each violation, and subject these Defendants to injunction.

### **PRAYER FOR RELIEF**

Wherefore, Plaintiff accordingly prays for the following relief:

1. A preliminary and permanent injunction enjoining Defendants, and its agents, employees, assigns and all persons acting in concert or participating with Defendants, from manufacturing, packaging, distributing, marketing and/or selling the Products for sale or use in California without first providing clear and reasonable warnings, within the meaning of Proposition 65, that the users and/or handlers of the Products are exposed to the chemical acrylamide;

2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§ 25603 and 25603.1, compelling Defendants to provide “clear and reasonable” warnings on the label of the Products, and at the point of sale for internet sales, or as otherwise required under Proposition 65. The warning should indicate that each of the Products will expose the user or consumer to chemicals known to the State of California to cause cancer;

3. An assessment of civil penalties against each of the Defendants, pursuant to HSC § 25249.7(b), in the amount of \$2,500 per day for each violation of Proposition 65 relating to each of the Products;

4. An award to Plaintiff of its attorneys’ fees pursuant to CCP § 1021.5 or the

1 substantial benefit theory;

2 5. An award of costs of suit herein pursuant to CCP § 1032 et seq. or as  
3 otherwise warranted; and

4 6. Such other and further relief as the Court may deem just and proper.  
5

6 DATED: January 21, 2022

POULSEN LAW P.C.

7  
8 

9 Aida Poulsen  
10 Peter T. Sato  
11 Attorneys for Plaintiff  
12 The Chemical Toxin Working Group Inc. doing  
13 business as Healthy Living Foundation Inc.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

# **EXHIBIT A**

October 07, 2020

**VIA CERTIFIED MAIL**

Jeffrey S. Tassani, CEO/President  
General Mills Sales, Inc.  
Number One General Mills Blvd.  
Minneapolis, Minnesota 55426

Jeffrey L. Harmening, CEO/President  
General Mills, Inc.  
Number One General Mills Blvd.  
Minneapolis, Minnesota 55426

Michael D. Deal or Manager/CEO  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, Washington 98109

David G. Hirz, Manager/CEO  
Smart & Final Stores LLC  
600 Citadel Drive  
Commerce, California 90040

David G. Hirz, Manager/CEO  
Smart & Final LLC  
600 Citadel Drive  
Commerce, California 90040

**VIA U.S. MAIL**

District Attorneys of All California Counties and  
Select City Attorneys  
(See Attached - Certificate of Service)

**VIA CERTIFIED MAIL**

Current CEO or President  
General Mills Sales, Inc.  
c/o National Registered Agents, Inc.  
818 West Seventh Street, Suite 930  
Los Angeles, California 90017

Current CEO or President  
General Mills, Inc.  
c/o National Registered Agents, Inc.  
818 West Seventh Street, Suite 930  
Los Angeles, California 90017

Current Manager or CEO  
Amazon.com Services LLC  
c/o CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, California 95833

Current Manager or CEO  
Smart & Final Stores LLC  
c/o CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, California 90017

Current Manager or CEO  
Smart & Final LLC  
c/o CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, California 90017

**VIA ELECTRONIC FILING**

State of California Department of Justice  
Office of the Attorney General  
Proposition 65 Enforcement Reporting  
Filing link: [oag.ca.gov/prop65](http://oag.ca.gov/prop65)



---

**Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986**

*(California Health & Safety Code Section 25249.5 et seq.)*

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent The Chemical Toxin Working Group, Inc., a California non-profit corporation, aka The Healthy Living Foundation (“**HLF**”), an organization dedicated to reducing the amount of chemicals toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety. David Steinman created HLF to effectuate his commitments as an environmentalist, journalist, consumer health advocate, publisher and author. His major books include “Diet for a Poisoned Planet” (1990, 2007); “The Safe Shopper’s Bible” (1995); “Living Healthy in a Toxic World” (1996); and “Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown” (2007), along with his many publications as the publisher of the “California Healthy Living Magazine” and its associated websites and periodicals.

Through this Notice of Violations (this “**Notice**”), HLF seeks to reduce and/or eliminate consumer exposures to **acrylamide** from snack foods sold by General Mills Sales, Inc. (“**GMSI**”), General Mills, Inc. (“**GMI**” and together with GMSI, collectively “**General Mills**”), Amazon.com Services LLC (“**Amazon**”), Smart & Final Stores LLC (“**SMFS**”), and Smart & Final LLC (“**SFL**” and together with SMFS, collectively “**Smart & Final**”)(General Mills, Amazon and Smart & Final shall be collectively referred to herein as the “**Noticed Parties**” and each a “**Noticed Party**”). This Notice constitutes written notification that the Noticed Parties have violated the warning requirements of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 (codified at California Health & Safety Code sections 25249.5, *et seq.*) (referred to as “**Proposition 65**”).

The products subject to this Notice (collectively, the “**specified products**” and each a “**specified product**”), the chemical in the specified product identified as exceeding allowable levels, and the Noticed Party responsible for sale of the specified product, are the following:

1. **Ghost Pepper \_\_ Hot & Spicy \_\_ Chex \_\_ Mix \_\_ Snack \_\_ Mix -- Acrylamide**
  - **General Mills and Amazon**
  
2. **Hot & Spicy \_\_ Spicy \_\_ Chex \_\_ Mix \_\_ Snack \_\_ Mix -- Acrylamide**
  - **General Mills and Amazon**



3. **Honey Nut \_\_ Naturally & Artificially Flavored \_\_ Sweet & Salty \_\_ Chex \_\_ Mix \_\_ Snack \_\_ Mix -- Acrylamide**
  - **General Mills and Amazon**
  
4. **Cheddar \_\_ Savory \_\_ Chex \_\_ Mix \_\_ Snack \_\_ Mix -- Acrylamide**
  - **General Mills and Amazon**
  
5. **Bold \_\_ Party Blend \_\_ Savory \_\_ Chex \_\_ Mix \_\_ Snack \_\_ Mix -- Acrylamide**
  - **General Mills and Smart & Final**
  
6. **Traditional \_\_ Savory \_\_ Chex \_\_ Mix \_\_ Snack \_\_ Mix -- Acrylamide**
  - **General Mills and Smart & Final**

As applicable, the Noticed Parties have manufactured, marketed, distributed and/or sold the specified products which have exposed and continue to expose numerous individuals within California to acrylamide. Acrylamide was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on January 01, 1990, and as a chemical known to cause developmental toxicity and reproductive toxicity on February 25, 2011.

With respect to each specified product listed above, the violation: commenced on the later of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until acrylamide is removed from each specified product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law. The primary route of exposure has been through ingestion.

Proposition 65 requires that a “clear and reasonable” warning be provided prior to exposure to certain listed chemicals. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to lead. While in the course of doing business, the Noticed Parties are “knowingly and intentionally” exposing consumers to acrylamide without first providing a “clear and reasonable” warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law, any other appropriate warnings that persons handling, ingesting and/or otherwise using the specified products are being exposed to acrylamide.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, HLF gives written notice of the alleged violation to the Noticed Parties and the appropriate governmental authorities. This Notice covers all violations of Proposition 65 that are currently known to the noticing party from information now available as specifically related to the violating products sold through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", referenced as Appendix "A", and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure", referenced as Appendix "B", are attached hereto for reference by the Noticed Parties.

Pursuant to Title 11, C.C.R. § 3100, a "Certificate of Merit" is attached hereto.

HLF is interested in a prompt resolution of this matter with an enforceable written agreement by the Noticed Parties to (1) eliminate or reduce acrylamide to an allowable level in, or provide appropriate warning, on the label of, the specified products, at the point of sale, as applicable; and (2) pay an appropriate civil penalty for each violation. Such a resolution will prevent further unwarned consumer exposures and expensive, time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, HLF is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this Notice to my office on behalf of HLF.

If you have any questions, please contact my office at your earliest convenience. Thank you for your time and consideration with respect to this urgent matter.

Sincerely,  
**KHANSARI LAW CORPORATION**



---

Andre A. Khansari, Esq.  
(Attachments)



Attachments:

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only); and
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only).

Copy to: The Chemical Toxin Working Group, Inc. (via email only)

## CERTIFICATE OF MERIT

**Re: The Chemical Toxin Working Group, Inc.'s Notice of Proposition 65  
Violations by General Mills Sales, Inc., General Mills, Inc., Amazon.com  
Services LLC, Smart & Final Stores LLC and Smart & Final LLC**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "**Certificate**") accompanies the attached Notice of Violations dated October 07, 2020 (the "**NOV**") in which it is alleged that each of the parties identified in the NOV ("alleged violators") have violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party, The Chemical Toxin Working Group, Inc., a California non-profit corporation, aka The Healthy Living Foundation. The NOV alleges that the alleged violators have exposed persons in California to the listed chemical that is the subject of this Certificate. Please refer to the NOV for additional details regarding the product names and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposures to the listed chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical subject to the NOV and relied on these results. The testing was conducted by a reputable testing laboratory, and by experienced scientists. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators expose persons to the listed chemical that is the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed products in the NOV expose people to unlawfully high levels of the specified chemical. Furthermore, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate served on the California Attorney General attaches to it factual information sufficient to establish the basis for this Certificate, including the information identified in Health & Safety Code Section 25249.7 (h)(2), *i.e.* (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

**KHANSARI LAW CORPORATION**

Dated: October 07, 2020

  
\_\_\_\_\_

Andre A. Khansari, Esq.  
Attorneys for The Chemical Toxin Working Group, Inc.

## APPENDIX A

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

#### THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.<sup>1</sup> These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

#### *WHAT DOES PROPOSITION 65 REQUIRE?*

***The "Proposition 65 List."*** Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

---

<sup>1</sup> All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.



female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: [http://www.oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

***Clear and reasonable warnings.*** A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

***Prohibition from discharges into drinking water.*** A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

#### ***DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?***

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

***Grace Period.*** Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

***Governmental agencies and public water utilities.*** All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

***Businesses with nine or fewer employees.*** Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

**Exposures that pose no significant risk of cancer.** For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

**Exposures that will produce no observable reproductive effect at 1,000 times the level in question.** For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

**Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water.** The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

---

<sup>2</sup> See Section 25501(a)(4).

## *HOW IS PROPOSITION 65 ENFORCED?*

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.



A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:  
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

*FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...*

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov).

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

## APPENDIX B

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

#### THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:  
Name of Noticing Party or attorney for Noticing Party:  
Address:  
Phone number:

Page 1

**SPECIAL COMPLIANCE PROCEDURE**  
**PROOF OF COMPLIANCE**

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

**The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:**

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

**PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY**

The alleged violation is for an exposure to: (check one)

\_\_\_Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

\_\_\_A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

\_\_\_Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

\_\_\_Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

**IMPORTANT NOTES:**

(1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.

(2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:

Page 2

Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

**PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE**

**Certification of Compliance**

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;

Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR

Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

**Certification**

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

\_\_\_\_\_  
Signature of alleged violator or authorized representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title of signatory

*FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...*

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov).

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

## CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **11845 W. Olympic Blvd., Suite 1000, Los Angeles, California 90064.**

On October 07, 2020, I served the following documents:

- (i) **Notice of Violations by General Mills Sales, Inc., General Mills, Inc., Amazon.com Services LLC, Smart & Final Stores LLC and Smart & Final LLC, for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure",**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party below, and causing it to be deposited at a United States Postal Service Office in Los Angeles, California for delivery by Certified Mail:

Jeffrey S. Tassani, CEO/President  
General Mills Sales, Inc.  
Number One General Mills Blvd.  
Minneapolis, MN 55426

Current CEO or President  
General Mills Sales, Inc.  
c/o National Registered Agents, Inc.  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

Jeffrey L. Harmening, CEO/President  
General Mills, Inc.  
Number One General Mills Blvd.  
Minneapolis, MN 55426

Current CEO or President  
General Mills, Inc.  
c/o National Registered Agents, Inc.  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

Michael D. Deal or Manager/CEO  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, WA 98109

Current Manager or CEO  
Amazon.com Services LLC  
c/o CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 95833

David G. Hirz, Manager/CEO  
Smart & Final Stores LLC  
600 Citadel Drive  
Commerce, CA 90040

Current Manager or CEO  
Smart & Final Stores LLC  
c/o CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

David G. Hirz, Manager/CEO  
Smart & Final LLC  
600 Citadel Drive  
Commerce, CA 90040

Current Manager or CEO  
Smart & Final LLC  
c/o CT Corporation System  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017



On October 07, 2020 , I served the following documents:

- (i) **Notice of Violations by General Mills Sales, Inc., General Mills, Inc., Amazon.com Services LLC, Smart & Final Stores LLC and Smart & Final LLC, for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102,**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at [oag.ca.gov/prop65](http://oag.ca.gov/prop65):

State of California Department of Justice  
Office of the Attorney General

On October 07, 2020 , I served the following documents:

- (i) **Notice of Violations by General Mills Sales, Inc., General Mills, Inc., Amazon.com Services LLC, Smart & Final Stores LLC and Smart & Final LLC, for Violations of California Health & Safety Code Section 25249.5 et seq., and**
- (ii) **Certificate of Merit,**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed on the attached service list, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail, except for the Contra Costa County District Attorney, Lassen County District Attorney, Riverside County District Attorney, Sacramento County District Attorney, San Francisco County District Attorney, Napa County District Attorney, San Joaquin County District Attorney, San Luis Obispo County District Attorney, Santa Clara County District Attorney, Sonoma County District Attorney, Tulare County District Attorney, Ventura County District Attorney, Monterey County District Attorney, Yolo County District Attorney, Santa Barbara County District Attorney, Alameda County District Attorney, San Francisco City Attorney, Calaveras County District Attorney, Inyo County District Attorney, Santa Cruz County District Attorney and San Diego City Attorney, all of which have requested electronic service only via the following email addresses: [sgrassini@contracostada.org](mailto:sgrassini@contracostada.org); [mlatimer@co.lassen.ca.us](mailto:mlatimer@co.lassen.ca.us); [prop65@rivcoda.org](mailto:prop65@rivcoda.org); [prop65@sacda.org](mailto:prop65@sacda.org); [Gregory.alker@sfgov.org](mailto:Gregory.alker@sfgov.org); [cepd@countyofnapa.org](mailto:cepd@countyofnapa.org); [daconsumer.environmental@sjcda.org](mailto:daconsumer.environmental@sjcda.org); [edobroth@co.slo.ca.us](mailto:edobroth@co.slo.ca.us); [eju@da.sccgov.org](mailto:eju@da.sccgov.org); [jbarnes@sonoma-county.org](mailto:jbarnes@sonoma-county.org); [prop65@co.tulare.ca.us](mailto:prop65@co.tulare.ca.us); [daspecialops@ventura.org](mailto:daspecialops@ventura.org); [Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us); [cfepd@yolocounty.org](mailto:cfepd@yolocounty.org); [DAProp65@co.santa-barbara.ca.us](mailto:DAProp65@co.santa-barbara.ca.us); [CEPDProp65@acgov.org](mailto:CEPDProp65@acgov.org); [Valerie.lopez@sfcityatty.org](mailto:Valerie.lopez@sfcityatty.org); [Prop65Env@co.calaveras.ca.us](mailto:Prop65Env@co.calaveras.ca.us); [inyoda@inyocounty.org](mailto:inyoda@inyocounty.org); [Prop65DA@santacruzcounty.us](mailto:Prop65DA@santacruzcounty.us); and [CityAttyProp65@sandiego.gov](mailto:CityAttyProp65@sandiego.gov).

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on October 07, 2020 at Los Angeles, California.



Andre A. Khansari

**SERVICE LIST**

<p>DISTRICT ATTORNEY ALAMEDA COUNTY 1225 FALLON STREET, SUITE 900 OAKLAND, CA 94612 CEPDPProp65@acgov.org</p>	<p>DISTRICT ATTORNEY KERN COUNTY 1215 TRUXTUN AVENUE BAKERSFIELD, CA 93301</p>	<p>DISTRICT ATTORNEY NEVADA COUNTY 201 COMMERCIAL STREET NEVADA CITY, CA 95959</p>
<p>DISTRICT ATTORNEY ALPINE COUNTY P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>DISTRICT ATTORNEY KINGS COUNTY 1400 WEST LACEY BLVD. HANFORD, CA 93230</p>	<p>DISTRICT ATTORNEY ORANGE COUNTY 401 WEST CIVIC CENTER DR. SANTA ANA, CA 92701</p>
<p>DISTRICT ATTORNEY AMADOR COUNTY 708 COURT STREET, SUITE 202 JACKSON, CA 95642</p>	<p>DISTRICT ATTORNEY LAKE COUNTY 255 N. FORBES STREET LAKEPORT, CA 95453</p>	<p>DISTRICT ATTORNEY PLACER COUNTY 10810 JUSTICE CENTER DRIVE, STE. 240 ROSEVILLE, CA 95678</p>
<p>DISTRICT ATTORNEY BUTTE COUNTY 25 COUNTY CENTER DRIVE, STE 245 OROVILLE, CA 95965</p>	<p>DISTRICT ATTORNEY LASSEN COUNTY 220 SOUTH LASSEN STREET, SUITE 8 SUSANVILLE, CA 96130 mlatimer@co.lassen.ca.us</p>	<p>DISTRICT ATTORNEY PLUMAS COUNTY 520 MAIN STREET, ROOM 404 QUINCY, CA 95911</p>
<p>DISTRICT ATTORNEY CALAVERAS COUNTY 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249 Prop65Env@co.calaveras.ca.us</p>	<p>DISTRICT ATTORNEY LOS ANGELES COUNTY 210 WEST TEMPLE STREET, STE 18000 LOS ANGELES, CA 90012</p>	<p>DISTRICT ATTORNEY RIVERSIDE COUNTY 3072 ORANGE STREET RIVERSIDE, CA 92501 Prop65@rivcoda.org</p>
<p>DISTRICT ATTORNEY COLUSA COUNTY 346 FIFTH STREET SUITE 101 COLUSA, CA 95932</p>	<p>DISTRICT ATTORNEY MADERA COUNTY 209 WEST YOSEMITE AVENUE MADERA, CA 93637</p>	<p>DISTRICT ATTORNEY SACRAMENTO COUNTY 901 "G" STREET SACRAMENTO, CA 95814 Prop65@sacda.org</p>
<p>DISTRICT ATTORNEY CONTRA COSTA COUNTY 900 WARD STREET. MARTINEZ, CA 94553 sgrassini@contracostada.org</p>	<p>DISTRICT ATTORNEY MARIN COUNTY 350 CIVIC CENTER DRIVE, RM. 130 SAN RAFAEL, CA 94903</p>	<p>DISTRICT ATTORNEY SAN BENITO COUNTY 419 4TH STREET HOLLISTER, CA 95023</p>
<p>DISTRICT ATTORNEY DEL NORTE COUNTY 450 H STREET SUITE 171 CRESCENT CITY, CA 95531</p>	<p>DISTRICT ATTORNEY MARIPOSA COUNTY POST OFFICE BOX 730 MARIPOSA, CA 95338</p>	<p>DISTRICT ATTORNEY SAN BERNARDINO COUNTY 316 N. MOUNTAIN VIEW AVENUE SAN BERNARDINO, CA 92415</p>
<p>DISTRICT ATTORNEY EL DORADO COUNTY 778 PACIFIC STREET PLACERVILLE, CA 95667</p>	<p>DISTRICT ATTORNEY MENDOCINO COUNTY P. O. BOX 1000 UKIAH, CA 95482</p>	<p>DISTRICT ATTORNEY SAN DIEGO COUNTY 330 WEST BROADWAY, SUITE 1300 SAN DIEGO, CA 92101</p>
<p>DISTRICT ATTORNEY FRESNO COUNTY 2220 TULARE STREET, SUITE 1000 FRESNO, CA 93721</p>	<p>DISTRICT ATTORNEY MERCED COUNTY 550 W. MAIN STREET MERCED, CA 95340</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 732 BRANNAN STREET SAN FRANCISCO, CA 94103 Gregory.alker@sfgov.org</p>



**SERVICE LIST**

<p>DISTRICT ATTORNEY GLENN COUNTY POST OFFICE BOX 430 WILLOWS, CA 95988</p>	<p>DISTRICT ATTORNEY SAN MATEO COUNTY 400 COUNTY CTR., 3RD FLOOR REDWOOD CITY, CA 94063</p>	<p>DISTRICT ATTORNEY SUTTER COUNTY 446 SECOND STREET YUBA CITY, CA 95991</p>
<p>DISTRICT ATTORNEY HUMBOLDT COUNTY 825 5TH STREET 4TH FLOOR EUREKA, CA 95501</p>	<p>DISTRICT ATTORNEY SANTA BARBARA COUNTY 1112 SANTA BARBARA STREET SANTA BARBARA, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>DISTRICT ATTORNEY TEHAMA COUNTY P.O. BOX 519 RED BLUFF CA 96080</p>
<p>DISTRICT ATTORNEY IMPERIAL COUNTY 940 WEST MAIN STREET, STE 102 EL CENTRO, CA 92243</p>	<p>DISTRICT ATTORNEY SANTA CLARA COUNTY 70 WEST HEDDING STREET SAN JOSE, CA 95110 EPU@da.sccgov.org</p>	<p>DISTRICT ATTORNEY TRINITY COUNTY P. O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>DISTRICT ATTORNEY INYO COUNTY P.O. DRAWER D INDEPENDENCE, CA 93526 inyoda@inyocounty.org</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET. ROOM 200 SANTA CRUZ, CA 95060 Prop65DA@santacruzcounty.us</p>	<p>DISTRICT ATTORNEY TULARE COUNTY 221 S. MOONEY BLVD. VISALIA, CA 95370 Prop65@co.tulare.ca.us</p>
<p>DISTRICT ATTORNEY MODOC COUNTY 204 S. COURT STREET, ROOM 202 ALTURAS, CA 96101</p>	<p>DISTRICT ATTORNEY SHASTA COUNTY 1355 WEST STREET REDDING, CA 96001</p>	<p>DISTRICT ATTORNEY TUOLUMNE COUNTY 423 N. WASHINGTON ST. SONORA, CA 95370</p>
<p>DISTRICT ATTORNEY MONO COUNTY P. O. BOX 617 BRIDGEPORT, CA 93517</p>	<p>DISTRICT ATTORNEY SIERRA COUNTY P.O. BOX 457 DOWNIEVILLE, CA 95936</p>	<p>DISTRICT ATTORNEY VENTURA COUNTY 800 SOUTH VICTORIA AVE, STE 314 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO, CITY ATTORNEY CITY HALL, ROOM 234 1 DR. CARLTON B GOODLETT PLACE SAN FRANCISCO, CA 94102 Valerie.lopez@sfcityatty.org.</p>	<p>DISTRICT ATTORNEY SISKIYOU COUNTY P. O. BOX 986 YREKA, CA 96097</p>	<p>BERKELEY CITY ATTORNEY'S OFFICE 2180 MILVIA STREET, 4TH FLOOR BERKELEY, CA 94704</p>
<p>DISTRICT ATTORNEY NAPA COUNTY 1127 First Street, Suite C NAPA, CA 94559 CEPD@countyofnapa.org</p>	<p>DISTRICT ATTORNEY SOLANO COUNTY 675 TEXAS STREET, STE 4500 FAIRFIELD, CA 94533</p>	<p>DISTRICT ATTORNEY YUBA COUNTY 215 FIFTH STREET, SUITE 152 MARYSVILLE, CA 95901</p>
<p>DISTRICT ATTORNEY SAN JOAQUIN COUNTY 222 E. WEBER AVE., RM. 202 STOCKTON, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>DISTRICT ATTORNEY SONOMA COUNTY 600 ADMINISTRATIVE DRIVE SONOMA, CA 95403 jbarnes@sonoma-county.org</p>	<p>LOS ANGELES CITY ATTORNEY'S OFFICE CITY HALL EAST 200 N. MAIN STREET, SUITE 800 LOS ANGELES, CA 90012</p>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 3RD AVENUE, SUITE 1620 SAN DIEGO, CA 92101 CityAttyProp65@sandiego.gov</p>

**SERVICE LIST**

<p>DISTRICT ATTORNEY MONTEREY COUNTY 1200 AGUAJITO ROAD MONTEREY, CA 93940 Prop65DA@co.monterey.ca.us</p>	<p>DISTRICT ATTORNEY YOLO COUNTY 301 Second Street WOODLAND, CA 95695 cfepd@yolocounty.org</p>	<p>OAKLAND CITY ATTORNEY CITY HALL, 6TH FLOOR 1 FRANK OGAWA PLAZA OAKLAND, CA 94612</p>
---	--	---

# **EXHIBIT B**

**VIA CERTIFIED FIRST CLASS MAIL**

Jeffrey S. Tassani or Current  
Chief Executive Officer or President  
General Mills Sales, Inc.  
Number One General Mills Blvd.  
Minneapolis, Minnesota 55426

Jeffrey S. Tassani or Current  
Chief Executive Officer or President  
General Mills Sales, Inc.  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
C T Corporation System  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

Jeffrey S. Tassani or Current  
Chief Executive Officer or President  
General Mills Sales, Inc.  
c/o National Registered Agents, Inc.  
1209 Orange Street  
Wilmington, DE 19801

Jeffrey L. Harmening or Current  
Chief Executive Officer or President  
General Mills, Inc.  
Number One General Mills Blvd.  
Minneapolis, Minnesota 55426

Jeffrey L. Harmening or Current  
Chief Executive Officer or President  
General Mills, Inc.  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
National Registered Agents, Inc.  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

Jeffrey L. Harmening or Current  
Chief Executive Officer or President  
General Mills, Inc.  
c/o National Registered Agents, Inc.  
1209 Orange Street  
Wilmington, DE 19801

Current Chief Executive Officer or President  
Gardetto's Bakery, Inc.  
Number One General Mills Blvd.  
Minneapolis, Minnesota 55426

**VIA ELECTRONIC FILING**

State of California Department of Justice  
  
Office of Attorney General of California  
Filing link: [oag.ca.gov/prop65](http://oag.ca.gov/prop65)

**VIA FIRST CLASS MAIL**

District Attorneys of California Counties  
and City Attorneys, as in the Certificate of  
Service

**VIA E-MAIL**

District Attorneys of California Counties  
and City Attorneys, as in the Certificate of  
Service

Current Chief Executive Officer or President  
Gardetto's Bakery, Inc.  
National Registered Agents, Inc.  
301 S. Bedford St. Suite 1  
Madison , WI 53703

Current Chief Executive Officer or President  
General Mills Operations, LLC  
c/o National Registered Agents, Inc.  
1209 Orange Street  
Wilmington, DE 19801

Current Chief Executive Officer or President  
General Mills Operations, LLC  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
National Registered Agents, Inc.  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

Vivek Sankaran or Current Chief Executive  
Officer or President  
Albertsons Companies, Inc.  
PO Box 20  
Boise, Idaho 83726

Vivek Sankaran or Current Chief Executive  
Officer or President  
Albertsons Companies, Inc.  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
C T Corporation System  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

Vivek Sankaran or Current Chief Executive  
Officer or President  
Safeway, Inc.  
11555 Dublin Canyon Rd  
Pleasanton, CA 94588

Vivek Sankaran or Current Chief Executive  
Officer or President  
Safeway, Inc.  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
C T Corporation System  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

Kevin M. Curry or Current Chief Executive  
Officer or President

The Vons Companies, Inc.  
11555 Dublin Canyon Rd  
Pleasanton, CA 94588

Kevin M. Curry or Current Chief Executive  
Officer or President  
The Vons Companies, Inc.  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
C T Corporation System  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

Current Chief Executive Officer or President  
Vons Sherman Oaks, LLC  
PO Box 20, Corp Tax Dept  
Boise, ID 83726-0020

Current Chief Executive Officer or President  
Vons Sherman Oaks, LLC  
c/o Amanda Garcia, Gabriela Sanchez, or  
Daisy Montenegro  
C T Corporation System  
330 N Brand Blvd Ste 700  
Glendale, CA 91203

RE: Acrylamide General Mills Chex Mix products  
in

June 28, 2021

## 60-DAY NOTICE OF INTENT TO SUE

*for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986*

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc. (“HLF,” “Noticing Party”), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures. as well as publishing comparative results of testing foods and consumer products and educating public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products tested as contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF’s Chief Officer David Steinman is a journalist, a publisher and an author of a bestseller *Diet For A Poisoned Planet* (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include *The Safe Shopper’s Bible* (Macmillan ed., 1995, Wiley 2d ed., 2000), *The Breast Cancer Prevention Program* (Macmillan ed., 1997), *Living Healthy In A Toxic World* (Perseus ed., 1996), *Safe Trip To Eden: Ten Steps To Save The Planet Earth From The Global Warming Meltdown* (Running Press ed., 2007), along with many publications in periodicals and other media.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. (“Proposition 65”), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.

With this notice of violation (Notice), HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the “Specified Products” and each a “Specified Product”) listed in the table below, which are manufactured, distributed and/or sold by General Mills Sales, Inc., General Mills, Inc., Gardetto’s Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC (referred to collectively as the “Noticed Parties”).

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	Violative chemical	Noticed Party
Chex Mix Savory Bold Party Blend Snack Mix	Acrylamide	General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC
Chex Mix Traditional Savory Snack Mix	Acrylamide	General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC
Chex Mix Savory Cheddar Snack Mix	Acrylamide	General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC
Chex Mix Sweet & Salty Honey Nut Snack Mix	Acrylamide	General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to acrylamide.

Acrylamide is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, male reproductive toxicity and cancer. Cal. Health & Safety Code § 25249.6 requires that a "clear and reasonable" warning be provided prior to



exposure to chemicals listed under Proposition 65. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to acrylamide. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to acrylamide without first providing a “clear and reasonable” warning.

The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to acrylamide.

With respect to each Specified Product listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until acrylamide is removed from each Specified Product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Notices Parties:

(i) “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary.”

Pursuant to Title 11, C.C.R. § 3100, the “Certificate of Merit” is attached hereto.

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce acrylamide to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65- compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with noncompliance and costly litigation.

Please direct all communications regarding this Notice to my office.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA

P o u l s e n   l a w   P . C .

282 11th Avenue, Suite 2612  
New York, New York, 10001  
Tel: + 1 646 776 5999  
Tel: +1 650 296 1014 Direct  
[ap@poulsenlaw.org](mailto:ap@poulsenlaw.org)  
[www.poulsenlaw.org](http://www.poulsenlaw.org)



## ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” (to the Noticed Parties only);



To: California Attorney General  
 Notice of Violation: June 28, 2021  
 Noticing Party: Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.  
 Noticed Parties: General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC

June 28, 2021

### CERTIFICATE OF MERIT

#### Health and Safety Code Section 25249.7(d)

##### *To the Notice of Violation*

I, Aida Poulsen, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated June 28, 2021 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: June 28, 2021

[www.PoulsenLaw.org](http://www.PoulsenLaw.org)

282 11<sup>th</sup> Avenue, #2612, New York, NY 10001

By:



Aida Poulsen | Managing Attorney | NY | CA

P o u l s e n   l a w   P.C.

282 11th Avenue, Suite 2612

New York, New York, 10001

Tel: +1 650 296 1014 Direct

[ap@poulsenlaw.org](mailto:ap@poulsenlaw.org)

[www.poulsenlaw.org](http://www.poulsenlaw.org)



+1 (646) 776 5999

[contact@PoulsenLaw.org](mailto:contact@PoulsenLaw.org)



I, Lucas Zahn, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 1142 Hartzell Street, Pacific Palisades, CA 90272.

On June 28, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by General Mills Sales, Inc., General Mills, Inc., Gardetto’s Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC;
2. Certificate of Merit;
3. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary;”

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties below, and causing it to be deposited at a United States Postal Service Office in Los Angeles County, California, for delivery by Certified Mail:

Jeffrey S. Tassani or Current Chief Executive Officer or President General Mills Sales, Inc. Number One General Mills Blvd. Minneapolis, Minnesota 55426	Jeffrey S. Tassani or Current Chief Executive Officer or President General Mills Sales, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203
Jeffrey S. Tassani or Current Chief Executive Officer or President General Mills Sales, Inc. c/o National Registered Agents, Inc. 1209 Orange Street Wilmington, DE 19801	Jeffrey L. Harmening or Current Chief Executive Officer or President General Mills, Inc. Number One General Mills Blvd. Minneapolis, Minnesota 55426
Jeffrey L. Harmening or Current Chief Executive Officer or President General Mills, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro National Registered Agents, Inc. 330 N Brand Blvd Ste 700 Glendale, CA 91203	Jeffrey L. Harmening or Current Chief Executive Officer or President General Mills, Inc. c/o National Registered Agents, Inc. 1209 Orange Street Wilmington, DE 19801

Current Chief Executive Officer or President Gardetto's Bakery, Inc. Number One General Mills Blvd. Minneapolis, Minnesota 55426	Current Chief Executive Officer or President Gardetto's Bakery, Inc. National Registered Agents, Inc. 301 S. Bedford St. Suite 1 Madison , WI 53703
Current Chief Executive Officer or President General Mills Operations, LLC c/o National Registered Agents, Inc. 1209 Orange Street Wilmington, DE 19801	Current Chief Executive Officer or President General Mills Operations, LLC c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro National Registered Agents, Inc. 330 N Brand Blvd Ste 700 Glendale, CA 91203
Vivek Sankaran or Current Chief Executive Officer or President Albertsons Companies, Inc. PO Box 20 Boise, Idaho 83726	Vivek Sankaran or Current Chief Executive Officer or President Albertsons Companies, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203
Vivek Sankaran or Current Chief Executive Officer or President Safeway, Inc. 11555 Dublin Canyon Rd Pleasanton, CA 94588	Vivek Sankaran or Current Chief Executive Officer or President Safeway, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203
Kevin M. Curry or Current Chief Executive Officer or President The Vons Companies, Inc. 11555 Dublin Canyon Rd Pleasanton, CA 94588	Kevin M. Curry or Current Chief Executive Officer or President The Vons Companies, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203
Current Chief Executive Officer or President Vons Sherman Oaks, LLC PO Box 20, Corp Tax Dept Boise, ID 83726-0020	Current Chief Executive Officer or President Vons Sherman Oaks, LLC c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203

On June 28, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following parties by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at [oag.ca.gov/prop65](http://oag.ca.gov/prop65):

State of California Department of Justice;  
Office of the Attorney General of California.

On June 28, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC;
2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney Siskiyou County Post Office Box 986 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 <sup>th</sup> Street Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney	District Attorney	District Attorney

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE  
GENERAL MILLS SALES, INC., GENERAL MILLS, INC., GARDETTO'S BAKER, INC., GENERAL MILLS  
OPERATIONS, LLC, ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS COMPANIES, INC.,  
AND VONS SHERMAN OAKS, LLC





Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	Mendocino County PO Box 1000 Ukiah, CA 95482	Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4 <sup>th</sup> Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5 <sup>th</sup> Street 4 <sup>th</sup> Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 <sup>th</sup> Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On June 28, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by General Mills Sales, Inc., General Mills, Inc., Gardetto's Baker, Inc., General Mills Operations, LLC, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., and Vons Sherman Oaks, LLC;
2. Certificate of Merit

on each of the parties below, all of which have requested electronic service only via the following email addresses:

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE  
GENERAL MILLS SALES, INC., GENERAL MILLS, INC., GARDETTO'S BAKER, INC., GENERAL MILLS  
OPERATIONS, LLC, ALBERTSONS COMPANIES, INC., SAFEWAY, INC., THE VONS COMPANIES, INC.,  
AND VONS SHERMAN OAKS, LLC



Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney sgrassini@contracostada.org	Inyo County District Attorney inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcd@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdcda.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

I, Lucas Zahn, declare under penalty of perjury that the foregoing is true and correct.

Signature

1142 Hartzell Street,  
Pacific Palisades, CA 90272

June 28, 2021